IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CRIMINAL NO. 3:13-CR-00087-MOC-DSC

UNITED STATES OF AMERICA)	
)	
)	
)	<u>ORDER</u>
v.)	
)	
JAMES ISAAC DRAYTON,)	
)	
Defendant.)	

The Court held a status hearing on July 9, 2014 with Assistant U.S. Attorney Craig Randall, appointed counsel Mark Foster and Defendant present.

This matter was referred to the undersigned by District Judge Max O. Cogburn, Jr. on June 19, 2014 for determination of whether Defendant should (1) be allowed to withdraw his guilty plea, (2) be referred to an appropriate facility for a competency evaluation, and (3) have new counsel appointed. Judge Cogburn also directed the Government to obtain some of Defendant's jail records. See Doc. 38. On June 25, 2014, the Court granted previously appointed counsel Erin Taylor's oral motion to withdraw. The Government has provided the Court and Mr. Foster with copies of the jail records.

On July 8, 2014, Mr. Foster filed a "Notice of Case Status," Doc. 41, where he represents that Defendant has refused to meet with him at the jail. In response to the Court's questions today, Defendant confirmed that he was not going to meet with Mr. Foster and did not want his representation. Defendant expressed a desire to represent himself. Defendant's mother, a Mrs.

Jefferson, was present in court. She stated that she was attempting to retain counsel for Defendant. The Court continued the matter until July 23, 2014 for Defendant and/or his family to retain counsel.

If new defense counsel is not present at the next hearing, the Court will consider ordering a competency evaluation prior to conducting any <u>Faretta</u> inquiry with the Defendant.

The Clerk is directed to send copies of this Order to counsel and to the Honorable ${\rm Max}$ O. Cogburn, ${\rm Jr}$.

SO ORDERED.

Signed: July 9, 2014

David S. Cayer

United States Magistrate Judge